UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,006	01/05/2000	ARNAUD GOURDOL	P2413-515	1054

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EXAMINER
JOSEPH, THOMAS J

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 05/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.		Applicant(s)	
Office Action Summary	09/478,006		GOURDOL ET AL.	
	Examiner		Art Unit	
	Thomas J Joseph		2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 January 2000_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-40_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2,4-7,9-12,14-26 and 28-40_ is/are rejected.

7)☒ Claim(s) _3,8,13 and 27_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

DETAILED ACTION

Oath/Declaration

1.   The oath or declaration is defective. A new oath or declaration in compliance

with 37 CFR 1.67(a) identifying this application by serial number and filing date is

required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or
declaration. See 37 CFR 1.52(c).

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35

U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 30 – 32 are rejected under 35 U.S.C. 102(e) as being anticipated by

Nowlan (US 6,169,538).

Claim 30:

Nowlan teaches storing icons representative of a plurality of icon images,

receiving a user command to display icons of varied sizes in said window, displaying

said icons with different relative sizes within said window (fig. 8).

Claim 31:

Nowlan teaches different sizes of said icons based upon an object characteristic

(fig. 8). The enlarged icons have a different characteristic then the unselected smaller

icons.

Claim 32:

Nowlan teaches different sizes of said icons are based upon a user preference

value given to each of said icons (fig. 8).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1 – 2, 4 – 7, 9 – 12, 14 – 26, 28 – 29, and 33 – 40 are rejected under 35

U.S.C. 103(a) as being unpatentable over Nowlan (US 6,169,538) and Grossman (US

5,564,004).

Claim 1, 6, 11, 16, 19 and 22:

Nowlan discloses a method for varying the size of a plurality of icon images

displayed in a display device based upon a preference value (col. 5, lines 23 – 30).

Nolan teaches a software program that requires a computer readable medium. Nowlan

teaches selecting icons that are enlarged (col. 5, lines 23 – 30). This selection process is selecting individual icons to perform variable icon sizing. Nowlan teaches generating icon images of different respective size, wherein the different sizes of the icon images are based upon said user preference value (col. 5, lines 23 – 30). Nowlan teaches displaying said different sized icon images (col. 5, lines 23 – 30). The different and respective size can consist of only two sizes, a larger size and a smaller size. Nolan teaches the detecting of selecting of individual icons (fig. 8). The enlarged icons are a selection of smaller icons that are being considered seriously by the user. Individual icons must be selected before achieving the step of enlargement. The figure further demonstrates generating icon images of different respective sizes, wherein the different sizes of the icon images are based upon said user preference value (fig. 8).

Nowlan fail to teach storing of icons data representative of a plurality of icon images. Grossman demonstrates the storing of icons data representative of a plurality of icon images (fig. 1; col. 2, lines 10 – 20). This data determines the size and position of icons based on likeliness of user selection. It would have been obvious to one with ordinary skill in the art at the time of the invention to combine demonstrating the storing of icons data representative of a plurality of icon images taught by Grossman with the enlarging of icons images disclosed by Nowlan. Doing so allows users to access icons that are more likely to be accessed with greater ease. This greater ease allows for the easier navigating through complex sets of icons during the selection process Grossman, col. 1, lines 35 – 40).

Claim 2, 7 and 12:

Grossman teaches sorting icon images into an order based upon said designated preference values (col. 2, lines 40 – 50).

Claim 4, 9 and 14:

Nolan demonstrates images of different respective sizes located within a window (fig. 8).

Claim 5, 10, and 15:

Nolan demonstrates retrieving said icon image data from memory and scaling said icon image data in preparation for display on said display device (fig. 8). The enlarge icons associated with alphanumeric characters are examples of icon image data from memory that is displayed on a display device. All images must be processed inside a memory before being displayed on any output device.

Claim 17, 20, and 23:

Grossman demonstrates sorting of icon images into an order based up on said object characteristic (fig. 7 – 8). The formula for determining likeliness is a method for sorting. This is sorting icon images into an order based upon said object characteristic.

Claim 18, 21 and 24:

Grossman teaches determining size of icon by associating a maximum sized icon image with an object having one extreme value for the object characteristic (fig. 7 – 8). Icons that are less likely to be used are either made smaller or merged with other icons automatically. Icons less likely to be used are associated with a minimum sized icon image with an object having another extreme value for the object characteristic. Further, growing and shrinking icons based on likeliness of use involves assigning sizes

to the remainder of said icons images with objects, in proportion to the objects

associated with the maximum and minimum sized icons.

Claim 25:

Nowlan discloses a method for varying the size of a plurality of icon images

displayed in a display device based upon a preference value (col. 5, lines 23 – 30).

Nowlan teaches a software program that requires a computer readable medium.

Nowlan teaches selecting icons that are enlarged (col. 5, lines 23 – 30). This selection

process is selecting individual icons to perform variable icon sizing. Nowlan teaches

generating icon images of different respective size, wherein the different sizes of the

icon images are based upon said user preference value (col. 5, lines 23 – 30). This

selection process is designating a user preference value for at least some of the

plurality of icon images located within a container. The window displayed (fig. 8) is a

container. Nowlan teaches displaying said different sized icon images (col. 5, lines 23 –

30). The different and respective size can consist of only two sizes, a larger size and a

smaller size. Nolan teaches the detecting of selecting of individual icons (fig. 8). The

enlarged icons are a selection of smaller icons that are being considered seriously by

the user. Individual icons must be selected before achieving the step of enlargement.

The figure further demonstrates generating icon images of different respective sizes,

wherein the different sizes of the icon images are based upon said user preference

value (fig. 8).

Nowlan fail to teach storing of icons data representative of a plurality of icon

images. Grossman demonstrates the storing of icons data representative of a plurality

of icon images (fig. 1; col. 2, lines 10 – 20). It would have been obvious to one with ordinary skill in the art at the time of the invention to combine demonstrating the storing of icons data representative of a plurality of icon images taught by Grossman with the enlarging of icons images disclosed by Nowlan. Doing so allows users to access icons that are more likely to be accessed with greater ease. This greater ease allows for the easier navigating through complex sets of icons during the selection process Grossman, col. 1, lines 35 – 40).

Claim 26:

Grossman demonstrates sorting of icon images into an order based up on said object characteristic (fig. 7 – 8). The formula for determining likeliness is a method for sorting. This is sorting icon images into an order based upon said object characteristic.

Claim 28:

Nowlan teaches a window that can also be considered a container (fig. 8).

Claim 29:

Nowlan teaches retrieving said icon image data from memory and scaling said icon image data in preparation for display on said display device (fig. 8). The plurality of icons is processed in memory before display. This is retrieving said icon image data from memory and scaling said icon image data in preparation for display on said display device.

Claim 33, 37, and 39:

Nowlan and Grossman teach the rationale of claims 33, 37, and 39 in rejected claim 16.

Claims 34, 38, and 40:

Nowlan teaches different sized icon images located within a window (fig. 8).

Claim 35 and 36:

Nowlan teaches designating a step comprising the indication of relative size of

selected icons (fig. 8). When the user selects a certain icon, the icons in the designated

area are increased in relative and absolute size. The claim language fails to distinguish

the difference between relative and absolute size.

Allowable Subject Matter

6.   Claims 3, 8, 13, and 27 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

7.   The following is a statement of reasons for the indication of allowable subject

matter: Claims 3, 8, 13, and 27 teach the specific equation of $(max-min)/(N-1)$ wherein

N is the number of applications given a preference, min is the minimum icon size, and

max is the maximum icon size. Nowlan discloses a minimum and maximum size for

icons (fig. 8) but fails to provide a preference for the number equation as taught by the

Applicant. McComb (US 6,111,573) teaches dynamic sizing according to content (col.

7, lines 10 – 20) but fails provide a specific sizing formula as taught by the Applicant.

Morgan teaches dynamically adding icons (col. 2, lines 35 – 42) and container control

(col. 1, lines 45 – 50) but fails to teach icon sizing as taught by the Applicant.

Grossman teaches icons disappearing and reappearing based on usage (fig. 8 and 10).

Grossman can be interpreted as a type of growing and shrinking. Grossman fails to

teach use of a maximum and minimum formula based on number of applications as taught by the Applicant.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J Joseph whose telephone number is 703-305-3917. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

tjj
May 3, 2002

Kristine Kincaid
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